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ABSTRACT

This 1976 annual report of the Register of Copyrights to the Librarian of Congress outlines activities and developments within the Copyright Office. Descriptions are provided for the areas of: (1) production and services; (2) administration--staff recognition, women's activities, training, flexitime, and reorganization; (3) automation; (4) copyright publications; (5) professional activities; (6) developments in copyright revision; (7) international copyright relations; (8) the activities of the National Commission on New Technical Uses of Copyrighted Works (CONTU); and (9) judicial activities. Tables are included on copyright relations with other countries, number of copyright registrations by subject matter class, number of articles deposited, number transferred to other departments of the Library of Congress, gross receipts, fees, and registrations for 1972-76 and for 1976, and a business summary. (KP)

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79th

ANNUAL REPORT OF THE REGISTER OF COPYRIGHTS

For the fiscal year ending June 30

1976

and the transitional quarter July 1-September 30, 1976

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"To promote the Progress of Science and useful Arts . . . ."

Report to the Librarian of Congress

by the Register of Copyrights

THE COPYRIGHT OFFICE

In one of William Saroyan's stories a small boy finds himself in a library for the first time. He glances with awe in every direction: "All them books," he exclaims, "and something written in each one!" Saroyan's small boy would be even more awe-struck—possibly to the point of silence—if he could envision the staggering number of books and other items submitted for copyright each year with something written in almost every piece or attached to it.

It is doubtful whether that small boy, or indeed many of his presumably wiser and more sophisticated seniors, could comprehend the scope and the variety evident in the materials submitted for copyright in fiscal 1976. Conventional deposits like books and magazines are expected; others that might not immediately come to mind—for example, photographs and musical scores—can be visualized without difficulty; but industrial designs, computer programs, and the pet rock deposited for copyright registration might be less comprehensible. Indeed, any visitor to the Copyright Office in the fiscal year 1976 might well have been astonished by the quantity and variety of deposits with something written in or about, painted or recorded on all of them.

The Bicentennial year appears to have encouraged creativity among Americans. More writers, composers, artists, and designers than ever before seem to have been inspired to undertake original work and to deposit the results for copyright. There were songs that might be intended to supplement or supplant the national anthem; books took on a patriotic theme; games, puzzles, and designs of all descriptions were displayed in red, white, and blue colors. New note positioning for the study of ragtime and jazz and new sound recordings recognized the uniqueness of this original American music. In fact, submissions for registration in almost all of the fourteen broad classes of works in which copyright may be claimed under Title 17, United States Code, appropriately reflected this burst of patriotic pride in the nation's 200th year, pushing completed registrations for copyright to an unprecedented high of 410,969, an increase of 2.4 percent over the 401,274 registrations recorded in fiscal 1975. Materials received through copyright deposit and transferred to other departments of the Library of Congress for addition to the collections and for service totaled 384,901 pieces.

PRODUCTION AND SERVICES

Almost every phase of copyright activity increased during fiscal year 1976. Copyright fees deposited into the U.S. Treasury totaled $2,763,000, a 13-percent increase over the $2,447,000 deposited in fiscal 1975. The number of books, pamphlets, periodicals, works of art, motion pictures, filmstrips, sound recordings, and other materials submitted and examined for registration and deposit rose to an unparalleled 436,490. Cataloging production increased from 426,000 items in fiscal 1975 to 463,000 individual pieces in fiscal 1976—an increase of 8.68 percent. The mail unit processed 1,011,862

pieces of mail, a 10.5 percent increase. Mail received with payments enclosed ("cash" items) increased by 11 percent. A total of 97,773 searches concerned with materials in process were completed, 17 percent more than a year ago; 547,457 master index cards were filed, a gain of 2.09 percent; 1,588,788 cards in all categories were filed into various catalogs, an increase of 29 percent.

An organization can flourish only if its components are dynamic and energetic in meeting the demands placed upon them. It is heartening to be able to report that all divisions of the Copyright Office responded with enthusiastic effort to the year's massive workload: the Service Division, which is the control center for the receipt and dispatch of applications and materials and the maintenance of fiscal accounts; the Examining Division, which reviews all applications for registration of claims to copyright for compliance with the formalities and requirements of the copyright statute and performs legal research into questions of law affecting the operation of Copyright Office registration and recordation practices; the Cataloging Division, which provides bibliographic and physical description of all copyrighted works registered or received in accordance with the provisions of the law and prepares copy for the current and cumulative issues of the *Catalog of Copyright Entries*; and the Reference Division, which responds to all inquiries concerning copyright, furnishes search reports based on Copyright Office records, invokes the demand provisions of the copyright law when there has been failure to comply with the legal deposit and registration requirements, prepares certificates and other legal documents, and manages the department's information and publications program.

This resoluteness and ability to cope resulted in unmatched production and performance. The long-sought goal of currency in filing into the copyright card catalog became a reality, with the scanning, arranging, and filing of 1,380,615 computer-produced cards. The file of entries in this catalog from 1971 to date was expanded with a minimum of inconvenience to users. A new service of providing subscribers with computer tapes of catalog entries was instituted.

Because correspondence in every unit exceeded all earlier records, word-processing machines were introduced in several areas, including the Office of the Register, to speed the preparation of letters and memoranda. Form letters were modified to make them more responsive to more inquiries. Despite the rising workload and unusually heavy personnel losses in several units, sizable backlogs were eliminated or impressively reduced.

The Public Information Office responded to an all-time high of 53,409 telephone inquiries concerning copyright, many of them nonroutine and involving complicated discussions, an increase of 49 percent over the previous year. The number of visitors to the Copyright Office increased 36 percent to a total of 5,626. Reference searches totaled 125,800, an increase of 15 percent. Compliance searches, 17,974 involving 30,547 titles, doubled the fiscal 1975 figure. More than 1,264,600 pages of documents were microfilmed under the deposit microfilm preservation project.

Three exhibits were mounted in the lobby during the fiscal year: Christmas and Copyright; Certificates of Registration, Then and Now; and American Centennial 1876 and the Bicentennial 1976. The Copyright Office joined the Patent and Trademark Office in the celebration of Inventor's Day in February 1976 with a series of exhibits in the Patent Office. On August 18, 1976, the Copyright Office's first coin-operated photocopying machine was installed in the Certifications and Documents Section for the use of the public in copying records and other data not protected by copyright.

It bodes well for the future to report that this accelerating workload could not have been dealt with so successfully were it not for the active and continuing concern of the entire staff. In a department in which basic services to a growing clientele have been likened, somewhat erroneously, to a motor vehicle registration procedure, it is not possible to report glittering performances in every phase of the operation. Yet the steadfast perseverance of the staff and the enthusiastic approach to day-to-day operations in every division merit the highest tribute and are a rewarding reflection of the premium the Copyright Office places on efficient and effective dispatch of the public's business.

ADMINISTRATION

Concentrated attention to the task of strengthening performance by placing emphasis on maximum service to the public and on discovering new avenues for achieving maximum efficiency continued to be the year's major objectives. All divisions were

involved in an effort to progress toward fulfillment of the goals first enunciated by the register of copyrights in 1974—goals that recognize the importance of administrative teamwork, mutual trust, full equal opportunity, superior work environment, and recognition of excellence in work accomplishment.

An important gain in fiscal 1976 has been the staff's increased sense of its own worth and the development of an esprit de corps. Divisions and sections have demonstrated imagination and flexibility in meeting changes in organization and work patterns. Supervisors have shown initiative and vision in proposing and implementing alterations to established structures and routines. Copyright Office managers are learning to work together harmoniously as a team, and this cooperative spirit and generally high morale are reflected in the increased quality and quantity of Copyright Office products and services. There has been unparalleled cooperation in lending staff members to assist in areas burdened with backlogs and in staff understanding of the need for such assignments.

The register and deputy register continued to meet regularly with division chiefs and other key administrative officers for review of problems and plans and for communication of day-to-day happenings. The leadership of these briefings and debates often fell to the deputy register because of the register's paramount task of working with the Congress on matters concerned with the proposed copyright revision bill and because of her necessary appearances before library, legal, and other professional groups with a vital interest in the myriad controversial issues stemming from the proposed revision. Four orientation seminars were held, with the register presenting at each session a full review of the basic purposes of the Copyright Office and its reliance upon an informed, able staff and in turn the Copyright Office's responsibility to provide proper work environment, incentive, and fair treatment to each staff member. Staff committees examined promotion policies, explored the use of flexitime, and contributed to further development of the enthusiasm and sense of accomplishment called for by the objectives.

Staff Recognition

It is not possible in this brief review to cite the many individual officers and staff members whose quality service has earned recognition for the Copyright Office. It should be noted, however, that Belle Shoub, supervisor of the Accounting Unit, Service Division, who retired in December 1975 after thirty-five years of service, was presented the Library's highest honor—the Distinguished Service Award—in recognition of her exceptional service.

Federal Women's Activity

Employment and promotion of women continued to be of concern. On June 30, 1976, there were approximately thirty more women than men in the Copyright Office, with women still at lower grade averages than men—a situation that can change as more women prepare and apply for higher administrative positions. Of the twenty-two persons promoted in fiscal 1976 in the Cataloging Division, for example, fourteen or nearly two-thirds were women. Five part-time positions were established in that division to provide employment opportunities for women unable to work full time. Mary Lyle, Joan Doherty, and Marlene Morrisey completed two-year terms on the Library of Congress Federal Women's Program Committee and initiated efforts to give more women a greater opportunity for professional development and official representation of the Copyright Office at national and international conferences.

Training

More than 150 staff members of the Copyright Office took advantage of the sixty-two courses offered by the Library's Training Office or the Civil Service Commission during the year; other staff members completed courses at metropolitan universities under the tuition support program. Nearly one hundred staff members completed a three-day course on copyright law essentials and Copyright Office procedures. Imaginatively designed and taught by Waldo Moore, chief of the Reference Division, this course gave all participants a deeper understanding of the importance of their work as well as its relationship to other activities and to the overall mission of the Copyright Office. Sixty-four supervisors have been or will be enrolled in the Library's course on interviewing and counseling techniques. Tours of the Patent and Trademark Office were arranged for staff

members needing some knowledge of its activity. Basic instructions in correspondence preparation, grammar review, and computer science were given in or near the Copyright Office; Jean Prieto, Cataloging Division, taught a course in beginning Spanish, and Felicia Healy and Joseph Miranda of the Examining Division one in music theory for music technicians in that division. All supervisors received training in labor-management relations. Two staff members participated in the Library of Congress intern program and another was selected for the 1976-77 program. Cross training between the Cataloging and Reference Divisions gave catalogers more understanding of the use made of the catalog entries they prepare and brought to reference searchers deeper insight into the elements involved in preparation of catalog entries.

Flexitime

With the experimental installation of flexitime in the Cataloging Division in January 1976, the Copyright Office served as a pilot project for other departments in the Library desiring to follow suit. Under the plan, adopted after extended staff discussion, employees may start work at any time between 7:00 and 9:30 a.m. and leave work eight and one-half hours later. All members of the staff must be at work during the periods 9:30 to 11:30 a.m. and 2:00 to 3:30 p.m. Except for this core time, staff members are free to arrange individual schedules, which may vary from day to day. The experiment from the beginning evoked a noticeable uplift in staff morale and productivity. Added benefits have been a significant increase in productivity as well as the elimination of tardy arrivals and special schedules with their attendant complicated record keeping. The success of the experiment prompted the register of copyrights to recommend adoption of flexitime throughout the Copyright Office except for those work stations that must be staffed throughout the workday.

Reorganization

Reorganization of the Examining Division, approved by The Librarian of Congress in May 1976, was the culmination of months of study and experimentation on the part of the central planning staff in coordination with division and section managers. This reorganization provides a supervisory structure based on teams that is suitable to the present workload and is easily expandable to meet the volume anticipated with the eventual implementation of the proposed copyright revision bill. Specific provisions of the reorganization included an additional step in the promotion ladder for copyright technicians, the formation of teams under the supervision of team leaders, the transfer of attorneys from the division offices to the sections, the formation of a new Multimedia Section, and the revision of practices for appeals from denials of registrability of claims to copyright.

Well over 400,000 applications are now received annually. Consequently, this restructuring of the Examining Division has been aimed at providing for the systematic flow of work through the division, professional attention where it is most needed, and fuller opportunity for paraprofessionals. An ultimate result will be greater ease in meeting the massive increase that will come with the implementation of the anticipated revised copyright law. The new Multimedia Section will concentrate upon deposited works falling under several different statutory classification categories. In addition, sound recordings, microfilms, motion pictures, and any other materials requiring special equipment will be examined in the Multimedia Section.

Planning has begun for a reorganization of the Service Division. Here, too few supervisors for the size of staff and volume of work have rendered the span of control unsatisfactory. The preliminary plans call for splitting the division into two parts: a Processing Division, responsible for current in-process functions, and a Records Division, responsible for coordination and execution of the Copyright Office's records retention and maintenance policies. Although formulation of specific plans must necessarily await automation of in-process and fiscal control functions, immediate reorganization of the Mail Unit under the team plan has been recommended.

The Cataloging Division is also contemplating a team structure to further the prompt handling of the current workload and to meet the anticipated demands of the revision bill. The need for individual catalogers to understand specifically what is expected from them in terms of production and to have more definite criteria for retention, promotion, or recognition of outstanding merit led to development of a system of peer group averages for quan-

tity and quality of cataloging production. This procedure embraces the use of statistical production graphs, compiled at three-month intervals, that give each staff member a visible record of the peaks, lows, and median for the section. Thus, each cataloger can easily compare his or her performance to that of other staff members. These data then provide the basis for staff counseling and assure equity in personnel judgments and recommendations.

Other administrative innovations undertaken to improve service included the installation on April 14, 1976, of a night depository box in the lobby of the Copyright Office, available to the public until midnight. Quick receipt and date-stamping of applications for registration, works deposited for registration, documents to be recorded, and fees delivered on business days after the Copyright Office closes are thus assured.

The Copyright Office is, of course, not without such common day-to-day administrative problems as security, space, and staff turnover, to name a few. The disappearance of a few deposit copies is embarrassing, and personnel security measures have had to be strengthened. Solutions to cramped space situations have meant the disappearance of open areas that added to the attractiveness of the work environment. Space at the Pickett Street depository to meet projected Copyright Office requirements through 1979 partially alleviated the critical need for storage of deposits.

Recruitment in a department located at some distance from the Library's principal buildings will always be a difficulty. The Copyright Office participated in special recruitment activities aimed at locating qualified minority and women applicants. Twenty-two work-study employees served in the Copyright Office for varying periods. Seven of ten TAP positions were filled, with the remaining three positions to be filled during the fiscal year 1976 transition quarter.

AUTOMATION

The successful automation of cataloging procedures through the Copyright Office Publication and Interactive Cataloging System (COPICS) not only increased productivity but also brought some personnel economies and quick production of the *Catalog of Copyright Entries*, cards for the copyright card catalog, and cards for distribution to subscribers. This automated activity, which provides index terms of authors, titles, and copyright claimants as well as bibliographic description of each item, brings under bibliographic control a vast quantity of intellectual works and constitutes the largest single on-line cataloging activity in the world. By the end of the year most of the critical problems mentioned in last year's annual report had been alleviated: telephone communications with the Library's central computer had improved, computer programs had been modified, and the staff had adjusted to the mechanized procedures. Planning is continuing toward the ultimate goal of a retrieval system using SCORPIO.

The addition of periodical registrations to COPICS marked the end of a manual system in which each new issue was posted by hand on a card bearing the title of the periodical. Now title entries are maintained on-line in the automated system and catalogers can have the desired title displayed on a cathode ray screen to post the individual issues in proper sequence.

The major effect of the periodical system, however, is in production. Under the manual system, data from some ten thousand title cards were typed up annually, a process requiring hundreds of man-hours and up to a year or longer to complete. The resulting cards then had to be edited and interfiled so that final copy could be prepared for printing. Under the automated system, the computer produces camera-ready copy immediately at the close of each six-month cataloging period. Now it is also possible to print out at six-month intervals a listing of all new titles as well as all International Standard Serial Numbers new to the system, together with the issue number and date in which each title first appeared. This listing is then available for use in the Library's Serial Record Division.

With the operations of the Cataloging Division entirely automated except for a few remaining peripheral tasks, the staff will be able over the next several years to concentrate on exploiting the capacity of the computer to meet the enlarged and diversified workload expected under the copyright revision bill and to produce cataloging information more rapidly and in a wider variety of formats to meet the requirements of users. Indeed, this expansion has already commenced. In April ASCAP began to subscribe to the weekly computer tape of all catalog records of published music. Experiments have gone forward also in automated production of catalog entries on microfiche.

Class N (sound recordings) was chosen as the initial sample for experimentation with microfiche because of the potential benefit to the Music Division, which at present lacks adequate bibliographic control over the thousands of recordings added to its collections each year.

At the end of the year The Librarian's external advisory group composed of representatives from all types of libraries had begun an examination of the ways in which the cataloging produced by the Copyright Office could be made more useful to libraries throughout the United States and in other parts of the world. Among the ideas under discussion are the degree to which the *Catalog of Copyright Entries* might fit into a national bibliography of the United States and the possibility that, with minor changes and adaptations, the catalog entries for multimedia materials might fill the serious gap that now exists in the control of multimedia material cataloged repeatedly by thousands of individual libraries because of the lack of a national system.

An internal staff committee has examined potential problems and computer system changes that might be required to follow the rules for International Standard Bibliographic Description in copyright cataloging entries. Preliminary findings indicate that this procedure could be possible without significant addition to workload or major changes in computer programming. This step is the first toward accomplishing some of the objectives envisioned by the advisory committee on libraries and toward making the Copyright Office responsive to innovations that may be proposed.

The Planning and Technical Office focused its resources on effects of copyright law revision and automation, both of critical importance for the years ahead. A primary goal in the Copyright Office's automation plans for fiscal 1977 is the development of an automated in-process and fiscal control system. This requirement is urgent in view of the inability of the manual system to handle the continuing rise in registrations without delays and backlogs. There is also a continuing need for the Planning and Technical Office to have better control and knowledge about work in process at any given time. The Planning and Technical Office has set as a first priority the development and implementation of an in-process and accounting system that will record all material received, track its path through the registration process, provide on-line search capability through the use of video terminals, generate accounting reports and production statistics, and call attention to problem cases retained without action at specific work stations. A statement of preliminary specifications for this system was prepared and submitted to division chiefs on June 30, 1976. Although this document addressed the current functions and workflow, it also took into account the expected continuing advance in registrations. The analysis will form the basis for determination of hardware requirements.

Equipment installed in or ordered for the Copyright Office during the year, in addition to that in the Cataloging Division, included terminals in the Service and Reference Divisions for use in referring to registration information subsequent to cataloging and a video terminal and printer to give the general counsel of the Copyright Office and his staff access to data bases elsewhere in the Library of Congress and in the executive branch agencies.

COPYRIGHT PUBLICATIONS

In addition to the publications already mentioned, information circulars were reprinted as requests for them mounted. Those giving information concerning copyright for works of art and pictorial, graphic, and sculptural works were redesigned in a modern format as part of a program instituted by the Reference Division to give consistency, clarity, and attractiveness to all Copyright Office circulars.

Decisions of the United States Courts Involving Copyright, 1973-1974, compiled and edited by Benjamin W. Rudd, former librarian of the Copyright Office, appeared in 1976. Kelsey Martin Mott, upon conclusion of her consultant contract, submitted final copy for the 1976 supplement to the *Bibliography on Design Protection*, which was subsequently published.

PROFESSIONAL ACTIVITIES

Relationships with other departments of the Library of Congress were strengthened during the past fiscal year. The Copyright Office was represented on the Librarian's Task Force on Goals, Organization, and Planning and on several subcommittees of that body. Other staff members participated in legal symposia and seminars. Phillip Gill had a part in the copyright session at the National Association of Educational Broadcasters' convention and Richard

Glasgow spoke before the American Bar Association's copyright affairs committee.

Barbara Ringer, the register of copyrights, responded to many requests from library, legal, and other professional groups eager to have direct information about the prospects for and contents of the copyright revision bill. Among these were addresses before the Rochester (New York) Regional Research Library Council, the American Bar Association, the American Library Association's Legislative Committee, and the Practising Law Institute in New York. On March 25, 1976, the register of copyrights had the honor of delivering the sixth Donald C. Brace Memorial Lecture before the Copyright Society of New York. Lewis Flacks, special legal assistant to the register, Jon Baumgarten, general counsel, and other staff members represented her on other occasions when the press of legislative business prevented her personal participation in major professional meetings.

On July 17, 1976, the register of copyrights was presented the Constance Lindsay Skinner Award "for distinguished contributions to the world of books" by the Women's National Book Association. This award has been made annually by vote of all WNBA members since 1940 to a "living American bookwoman who has made an enduring and unique contribution to the world of books and to the larger society through books." Because of a tie vote the 1976 award was presented also to Frances Neel Cheney, professor emeritus, Peabody College Library School, and Helen Honig Meyer, Dell Publishing Company.

The Copyright Office was host for several months to two Unesco fellows studying U.S. copyright provisions and procedures—M. L. Chopra, deputy registrar (Copyright), India, and R. Consul Korale, deputy registrar of companies of Sri Lanka.

DEVELOPMENTS ON COPYRIGHT REVISION

With the passage of the copyright revision bill, S. 22, by the Senate on February 19, 1976, and favorable action on H.R. 2223 by the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Judiciary Committee on August 3, 1976, the revision of the 1909 copyright law made further progress. The register has assisted the subcommittee at its request in the extensive sessions concerned with review and mark-up of the bill, and the Copyright Office's legal staff has been available to the Congress for consultation. In late 1975 and early 1976, the register submitted to the House subcommittee the final portions of the draft "Second Supplementary Report of the Register of Copyrights on Copyright Law Revision." This report, in nineteen chapters, summarizes and discusses the legislative history of the copyright revision bill and identifies its areas of controversy. It is expected that the report will be published by the House Judiciary Committee. If and when the revision becomes a reality, the occasion will represent a historic advance in the story of American copyright and the beginning of a new age in that saga. The delays met by the proposed revision in former years have led to an atmosphere of understandable concern and intense pressures that can only be lifted by enactment of a new law.

The revision bill, to review briefly its general framework, will substitute a single federal system for the present dual common law and federal system divided by the act of publication. This sweeping change means that every work that is eligible for copyright will come within federal statutory copyright from the moment of its fixation. Additionally, an entire new range of unpublished and published materials will be eligible for statutory protection.

The term of copyright protection will be the life of the author plus fifty years—a major breakthrough in American copyright law and one that will not only put the United States in general parity with the rest of the world but may also advance the prospects for our acceding to the Berne Copyright Convention. There will be a reversionary right in the author and his heirs, allowing recapture of the copyright through termination of existing assignments.

Other broad changes involve ownership of copyright, relaxation of many of the rigid rules regarding notice, new deposit and registration requirements that include a radio and television archive, derived through copyright, for the Library of Congress, redrawn infringement remedies, and easing and phasing out of the manufacturing clause. While expected compromises have had to be made—a necessity anticipated because of the pressures from those representing special interests based on modern technology—the basic objective of the bill is protection for the creator of intellectual property.

The major areas of controversy have been discussed in earlier annual reports. Perhaps it is sufficient here simply to list them once again:

Size of the mechanical royalty

Liability for performance of music by coin-operated phonorecord machines (the so-called juke-box exemption)

Compulsory licenses for cable television

Proposals for a royalty upon broadcasting of sound recordings

Exemptions urged for public broadcasting

Photocopying in education and libraries

It is heartening to be able to report that after weeks of deliberation in the House subcommittee these issues, including the difficult questions concerned with compulsory licensing, were settled harmoniously if not to the entire satisfaction of all the special interests. The register, while recognizing the inevitabilty of compromise, took the consistent position that in our rapidly changing technological society extreme care must be taken to ensure that independent, free authorship is preserved as a natural, vital resource.

Every indication is that favorable action by the full House Judiciary Committee on the revision bill will be completed in early September. The necessity for prompt House action and a conference committee to resolve differences between S. 22 and H.R. 2223 placed the revision bill under a tight schedule during this election year. The optimism that the Congress will meet this challenge has been reinforced by the prompt Senate action on S. 22, under the leadership of Senator John L. McClellan, and the remarkably comprehensive and careful work of the House subcommittee, headed by Representative Robert Kastenmeier. At the opening of the subcommittee hearings in May 1975, former register of copyrights Abraham L. Kaminstein (one of the chief architects of revision) alluded to the dedication of the House subcommittee that considered the revision bill in 1965.

The progress of the revision bill has intensified the need for advance planning for new functions and the enormous workload that will accompany implementation, which could be in 1978. A coordinating committee, composed of the general counsel of the Copyright Office, its executive officer, and the chief of the Planning and Technical Office, was organized in April 1976 to begin this task.

The new law, when it finally comes, will augment the work of the Copyright Office in a number of ways. Its protection of a wider variety of creative works will mean a substantial increase in the volume of registrations. Anticipated provisions that require the Copyright Office to collect and distribute royalty fees would be a new function. Secondary transmissions by a cable system of a primary transmission made by a broadcast station licensed by the Federal Communications Commission will be subject to compulsory licensing and the register of copyrights charged with collecting the license fees. Licenses that must be provided by the Copyright Office will also be required for operators of coin-operated phonorecord machines. Guidelines, new procedures, and revised regulations will be required for the administration of each of these new or enlarged functions.

INTERNATIONAL COPYRIGHT

Since the joint revisions of the Universal and Berne Copyright Conventions in 1971, the international copyright activities of the United States have focused primarily on three areas: integration of new technological developments into the structure of copyright law; exchange of information and facilitation of copyright licensing with developing states; and continuation of the development of copyright relations with new members of the international copyright community, particularly the USSR.

Problems generated by the growth of new technologies were considered at several international meetings this year. L. Clark Hamilton, the deputy register of copyrights, was chairman of a meeting in July 1976 in Bellagio, Italy, concerned with the impact of telecommunications developments upon international intellectual property law. Organized by the International Broadcast Institute, the conference brought together copyright and communications policy makers from North America and Western Europe; their discussions were framed by a paper presented by Claude Masouye, of the World Intellectual Property Organization (WIPO).

Mr. Hamilton also participated in the annual conference of the International Broadcast Institute, which met in Cologne, Germany, from August 31 to September 4, 1975. The theme of the conference was "The Global Context for the Formation of Domestic Communications Policy." Finally, be-

tween August 29 and September 4, 1976, he attended the annual meeting of the institute, held in Kyoto, Japan, where discussions centered upon the formulation of proposals for comprehensive legal treatment of international communications.

These three meetings represent fresh attempts to come to grips, in a unified fashion, with domestic and international legal questions which, heretofore, have tended to be treated in a piecemeal fashion. Questions of copyright and regulation of telecommunications traffic and of the program content of international satellite broadcasting have emerged as legal issues that sharply divide the international community. The activities of the IBI, a new organization in the field, have contributed substantially to the international dialogue on these crucial problems.

The other area of new technology which has created special interest in international copyright circles is that of computer software. In July 1975, Mr. Hamilton participated in a conference of nongovernmental experts, convened under the auspices of WIPO in Geneva, to consider solutions on the international level to problems respecting the protection of computer software. The work of this committee was continued in May 1976 and has centered upon the appropriateness of copyright for software protection and the feasibility of an international registry for software. Subsequent to the July 1975 software meeting, Mr. Hamilton visited the Center for Research in the Social Sciences, Unit for Legal Research in Computers and Communications, at the University of Kent at Canterbury, England.

The effort to continue bridging gaps between law, policy, and commercial practices that exist in the copyright field between developing and developed states continued. Of particular significance was the July 1975 meeting of Unesco's Copyright Information Center. The center, established to facilitate copyright licensing between developed and developing states, as a part of the 1971 revision of the Universal Copyright Convention, convened this meeting to draft a model contract for the licensing of translation and reprint rights to be used in transactions with developing states. The deputy register of copyrights attended this meeting with representatives of the American publishing community and the Association of American Publishers.

The importance of simplifying licensing procedures was underscored by questions raised during the December 1975 Intergovernmental Copyright Committee meeting in Geneva as to the success of the 1971 UCC revisions in meeting the needs of developing countries. The United States, in particular, has been committed to these revisions as the primary vehicle for assisting developing states to secure copyrighted works for their educational and developmental programs, while maintaining and fostering the growth of copyright recognition in these same areas. The work of the Copyright Information Center in devising model contracts and acting as information broker in this field has been significant. These activities, with the programs of the U.S. Government Advisory Committees on International Book Programs, whose biannual meetings in Washington the Copyright Office has attended, represent some of the most effective vehicles for pursuit of this policy.

The December 1975 meeting of the Intergovernmental Copyright Committee also considered a number of other important questions, including cable television, reprographic reproduction of copyrighted works, video recordings, computer uses, and a model copyright law for developing countries. Of particular interest was the adoption by the Intergovernmental Copyright Committee and Berne Executive Committee (which meet jointly once every two years) of a recommendation on reprographic reproduction, drafted in June of 1974 by a joint subcommittee of the two committees meeting in Washington, D.C. These recommendations represent the culmination of at least seven years of efforts to determine the feasibility of an international instrument treating reprographic reproduction. The United States was represented at the Intergovernmental Copyright Committee meetings by Harvey Winter of the State Department's Office of Business Practices, Dorothy Schrader of the Copyright Office, and the deputy register.

From August 16 to August 21, 1976, the register of copyrights, Barbara Ringer, participated in the second East Asian and Pacific Copyright Seminar, held in Sydney, Australia, bringing together copyright specialists from throughout the region. The seminar included a paper on performer's rights, presented by the register.

Another international conference touching on areas which affect our copyright relations with developing states concerned double taxation. In November 1975, Dorothy Schrader was chairman of the U.S. delegation to the meeting of a Committee of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from One Country

to Another, held in Paris at Unesco's invitation.

The general problem of double taxation and the practicability of a multilateral treaty to deal with the problem has existed for some time. The discussions are intended to provide Unesco with a basis for the preparation of a draft text for a possible convention on the subject. It is expected that this text will be the basis for a second meeting of experts in December 1976, followed by a governmental conference in 1977.

The final area of activity on the international front touched upon U.S. relations with new members of the international copyright community, principally the Soviet Union.

Since Soviet adherence to the Universal Copyright Convention in 1973, Soviet and American Copyright officials have met three times, in the USSR and in the United States. Upon the invitation of the Soviet Copyright Agency (VAAP), representatives of the Copyright Office met in Moscow between July 10 and 17, 1976, to continue discussions on copyright relations between the two countries. The discussions included explorations of problems concerning computer software, designs, the role of VAAP in carrying out the provisions of the Final Act of Helsinki, and government publications. This annual review of issues arising out of copyright relations has reflected a spirit of universality; both countries can take pride in the high sense of responsibility that has marked the progress of the conversations to date.

Although it would be incorrect to consider Latin American nations as "new" members of the international copyright community, for they have been members of the Berne and Universal Conventions for some time, they have emerged in the last five years as forceful spokesmen and creative policy makers in international copyright. Generally, their jurisprudence is a practical mixture of classic European copyright principles tempered by indigenous experience and of their needs as developing states. Their ability to communicate with equal relevance to developed and developing states has enabled Latin American states to emerge as pivotal figures in international copyright.

The opportunity and challenge of renewed U.S. interest in its relations with Latin America has been one of the most exciting developments in the last five years. Fiscal 1976 saw the emergence of a new international copyright organization, the Inter-American Copyright Institute, whose first meeting was held in São Paolo, Brazil, in September 1975. Dorothy Schrader attended this significant inaugural event. In September 1976, Harriet Oler, a senior copyright attorney on the staff of the general counsel of the Copyright Office, attended the second meeting of the institute in Brasilia.

The Inter-American Copyright Institute is planning future programs for the exchange of views upon, and development of, copyright in the Americas. This organization and the opportunity for closer cooperation with Latin America should be an important component of U.S. copyright policy. If feasible, serious consideration should be given to arranging a meeting of the institute plenary, or executive board, in the United States.

With Brazil, Mexico has become a major center of copyright consciousness in today's world. Because of Mexico's long-standing interest in problems of performer's rights and the Rome Convention, that government was host of the Latin American and Caribbean Seminar on the Protection of Producers of Phonograms, Performers and Broadcasting Organizations. Held in Oaxtepec, Mexico, October 27-31, 1975, the seminar brought together experts from North and South America, to deliberate the problems involved in putting the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations into practice and adhering to it.

The Rome Convention, one of the most complex of copyright treaties, has been the subject of renewed interest throughout the world, including the United States. While its growth had been hampered until recently, the creation of the Brussels Satellite Convention, with the Geneva Phonograms Convention, has made the Rome Convention a key treaty in a comprehensive system of international protection for copyright and neighboring rights. The vigorous debates and scholarly papers presented at the Mexican seminar demonstrate the value of close U.S.-Latin American experience in this difficult field. The Copyright Office was represented at the seminar by Dorothy Schrader.

CONTU

On July 25, 1975, the President appointed the following members to the National Commission on New Technological Uses of Copyrighted Works (CONTU): The Honorable Stanley H. Fuld, chair-

man, Melville B. Nimmer, vice chairman, George D. Cary, William S. Dix, John Hersey, Rhoda H. Karpatkin, Dan Lacy, Arthur R. Miller, E. Gabriel Perle, Hershel B. Sarbin, Robert Wedgeworth, Alice E. Wilcox, and The Librarian of Congress. The register of copyrights, a nonvoting member, participates in the work of the commission. Arthur J. Levine is the executive director of the commission.

The commission was established by the Congress in 1974 "to study and compile data on the reproduction and use of copyrighted works of authorship in conjunction with automatic systems capable of sorting, processing, retrieving, and transferring information . . . and the reproduction and use of such copyrighted works by various forms of machine reproduction . . ." as well as "to study and compile data on the creation of new works (1) by the application or intervention of automatic information storage and retrieval systems or (2) by the application or intervention of any form of machine reproduction."

Judge Fuld said at the initial meeting of the commission on October 8, 1975:

> Our ultimate objective, under the statute, is to make recommendations for such changes in copyright law or procedures as may be necessary to assure access to copyrighted works—with respect to these problem areas—and at the same time to provide recognition of the rights of the copyright owners. In so doing, we must subject the solutions, as we consider them, to two tests: first, will our recommendations tend to result in an increase or decrease in the creation of intellectual property and, second, will the channels of dissemination of copyrighted works be broadened and increased or diminished?

The commission held seven two-day meetings in fiscal 1976 and numerous subcommittee sessions. Attention was given specifically to the library photocopying issues stemming from the proposed revision of the copyright law and to the collection and analysis of data concerned with the production and protection of computer software and data bases. In May 1976 CONTU offered its assistance to the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice in the development of guidelines focusing on library photocopying in connection with the revision bill. This offer was accepted, and subsequently guidelines were formulated in consultation with interested groups in the library, author, and publishing communities.

JUDICIAL DEVELOPMENTS

For the first time in many years the Copyright Office was faced with several mandamus actions, a situation that reinforces the urgency for immediate action on revision of the 1909 statute.

Utilitarian Designs as "Works of Art"

On May 5, 1976, the United States District Court for the District of Columbia granted summary judgment in favor of plaintiff, Esquire, Inc., on grounds that its lighting fixture designs constitute copyrightable works of art within the meaning of title 17 U.S.C. The following day the court ordered that a writ be issued directing the register of copyrights to register claims to copyright for artistic designs of the three lighting fixtures involved. The register had refused registration on grounds that the fixtures were primarily utilitarian works, lacking separable artistic authorship, and thus not registrable under Regulation 37 C.F.R. 202.10(c). The pertinent Copyright Office regulation provides, inter alia:

> If the sole intrinsic function of an article is its utility, the fact that the article is unique and attractively shaped will not qualify it as a work of art. However, if the shape of a utilitarian article incorporates features, such as artistic sculpture, carving, or pictorial representation, which can be identified separately and are capable of existing independently as a work of art, such features will be eligible for registration.

But Judge Gesell's opinion decided that *Mazer* v. *Stein*, 347 U.S. 201 (1954), warranted registration for these objects as works of art, notwithstanding their intended industrial uses. He noted that the fixtures are exclusively decorative during the daytime and further that "there cannot be and there should not be any national standard of what constitutes art and the pleasing forms of the Esquire fixtures are entitled to the same recognition afforded more traditional sculpture." The court declined to determine whether the register of copyrights could tighten the applicable regulations and still meet *Mazer*'s holding.

Subsequently, Judge Gesell granted a motion to stay execution of the writ of mandamus until July 6, 1976, or later, pending determination and disposition of appeal. Judge Gesell's decision has been appealed.

The *Esquire* case has potential effect both on the Copyright Office practices respecting artistically designed industrial artifacts and on the sui generis design legislation, discussed in connection with typeface designs, below, which was specifically drafted to reflect the economic considerations peculiar to industrial designs.

Commercial Prints and Labels and the Manufacturing Clause

Early in the fiscal year an action was filed in the District Court for the Central District of California, Civil No. 75-2586 (C.D. Cal., filed July 31, 1975), *Imperial Toy Corporation* v. *Ringer*, to compel the registration of claims to copyright in commercial prints manufactured abroad by a lithographic or photoengraving process.

Section 16 of Title 17 of the United States Code requires separate lithographs or photoengravings to be manufactured in the United States unless they are exempt by virtue of (1) the provisions of the Universal Copyright Convention and section 9(c) of 17 U.S.C. or (2) the provisions of 17 U.S.C. 16 on grounds that the illustrations represent a subject permanently located abroad and illustrate a scientific work or reproduce a work of art. The works in question could be exempted from the manufacturing requirements on neither of these grounds. Instead, the claimant argues that the reference to "separate lithographs and photoengravings" in 17 U.S.C. 16 was intended to cover only prints destined to be incorporated in a book or periodical.

The issue in the case is whether section 16 of the copyright statute applies to separate lithographs and photoengravings. The facts were stipulated by the parties, and in February the court heard oral arguments on motions for summary judgment filed by both sides. The court's decision is pending.

Dual Bases for Renewal Registration

Approximately nine years ago the Copyright Office began receiving applications to renew the copyright in certain comic books. The basis for the right to renew these copyrights was stated on the applications both as "proprietor of copyright in a composite work" and as "proprietor of copyright in a work made for hire." These two bases of claim were considered to be contradictory, and consequently the register refused to issue a single certificate bearing two contradictory bases for registering a renewal claim. A 1974 attorney general's opinion supported the Copyright Office position.

Another phase of this controversy began on January 20, 1976, when the applicant filed an action in the District Court for the Southern District of New York, *Cadence Industries, Inc.* v. *Ringer*, Civil No. 76-339 (S.D.N.Y., filed January 20, 1976), to compel the registration of the renewal claims on applications stating the dual bases for registration. At the close of the fiscal year the answer to the complaint had been filed, but there had been no further proceedings.

Typeface Designs

Protection under the copyright statute for typeface designs continued as a major issue during the year. Following the register's decision not to amend section 202.1(a) of the regulations, which has been interpreted to prohibit copyright registration for typeface designs as "mere variations of typographic ornamentation, [or] lettering," registration was denied for an application submitted by Eltra Corporation to register a claim in a text typeface design. Shortly thereafter, an action was filed in the District Court for the Eastern District of Virginia, *Eltra Corporation* v. *Ringer*, Civil No. 76-264 (E.D. Va., filed April 8, 1976), requesting the court to compel the registration of the Eltra typeface design. On October 26, 1976, the court awarded summary judgment to the register of copyrights.

As the fiscal year ended, the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary had virtually concluded its mark-up of the revision bill. Although typefaces would have been embraced in the design legislation of Title II of S. 22 as passed by the Senate, this title was excluded in the final law. The House Judiciary Committee felt that it had not had sufficient time to conduct hearings and studies on the matter, and the full House and the Senate agreed to the deletion. However, it is anticipated that separate design legislation may be considered by the Congress in the near future.

Subject Matter and Scope of Protection

Two decisions established further legal blocks to persons attempting to recover for appropriations of ideas. *Smith* v. *Recrion Corp.*, 541 P.2d 663 (Nev. Sup. Ct. 1975), and *Richter* v. *Westab, Inc.*, 529 F.2d 896 (6th Cir. 1976), reaffirmed that statutory and common-law copyright are not available for abstract ideas or concepts. The subject of the former was an unsolicited suggestion mentioned in a brochure that a recreational vehicle park be constructed and operated by a hotel. The latter case involved the suggested application of fashion correlated designs to notebook covers. Both courts also refused to find an implied contract for the general ideas where no applicable contract had been made before disclosure of the idea.

In *Gustave* v. *Zuppiger*, 189 USPQ 328 (Ariz. Ct. App. 1976), the Arizona Court of Appeals held that common-law copyright existed in original furniture designs. In its opinion the court cited section 202.10 of the regulations and stated, "This regulation is not determinative of the subject matter of common-law copyright." The court said that "common law copyright affords the holder only the right of first publication," and hence "the definition of copyrightable works is more restrictive for extensive statutory protection than for the limited common law protection." In *Huk-a-Poo Sportswear, Inc.* v. *Franshaw, Inc.*, Civil Action No. 75-4967 (S.D.N.Y., filed January 27, 1976), the court agreed with the position of the Copyright Office, as stated in its *Compendium of Copyright Office Practices*, that the manufacturing clause does not extend to works printed by silk-screen process. Although the *Compendium* is not binding upon the court, the court felt it was "indicative of the many types of reproduction which are not included within the manufacturing clause."

In *Shaw* v. *Time-Life Records*, 341 N.E.2d 817 (N.Y. Ct. App., 1975), the famous bandleader Artie Shaw was held to have "no property interest in the Artie Shaw 'sound.' So long as there is an absence of palming off or confusion, competitors might 'meticulously' duplicate or imitate his renditions of musical compositions."

In *Scoa Industries, Inc.* v. *Famolare, Inc.*, Civil Action No. 75-3357 (S.D.N.Y., filed February 13, 1976), a claim to copyright had been registered in a small sculpted design of an old-fashioned bicycle. The design appeared on the bottom of a shoe sole. In the litigation, however, the plaintiff sought broader protection covering "several pronounced corrugations (or 'waves') on the shoe bottom, a pattern of raised wavy lines on the sides, and another pattern of raised lines on the bottom. . . ." The court cited section 202.10(c) of the regulations as providing "some guidance in this matter" and concluded, "in agreement with the Copyright Office, that the troughs, waves, and lines which appear on the shoe sole cannot be identified and do not exist independently as works of art." *Deering Milliken, Inc.* v. *Quaker Fabric Corp.*, 187 USPQ 288 (S.D.N.Y. 1975), was an infringement action involving a copyrighted rendition of the "tree of life" design used by the textile industry for centuries. The evidence established that the copyright owner had "widened the design for production purposes and to enhance its 'workability,' and thus created an original design. . .," and ". . . in a well ploughed field such as this little in the way of distinguishable variation is needed to claim originality and thereby obtain a copyright." The court added, however, that "correspondingly, little is gained from such a copyright." In *American Greetings Corp.* v. *Kleinfab Corp.*, 188 USPQ 297 (S.D.N.Y. 1975), the court found that the addition of the inscription "Put on a Happy Face" to a previously copyrighted illustration made the work "distinguishable from the underlying work alone," and ". . . independently copyrightable as a new and separate creation." The plaintiff's arrangement in its gift wrap of twelve panels "in a distinct artistic pattern" was also considered copyrightable in the *American Greetings* case.

The copyrightability of a plastic, scaled-down reproduction of a cast-iron Uncle Sam bank that passed into the public domain many years ago was the subject of three decisions during the year. The reproduction differed from the public domain work in the following respects: "The Uncle Sam figure was two inches shorter, the base was shortened and narrowed, the shape of the carpetbag was changed, the umbrella was included in the single mold (rather than hanging loose), the eagle on the front of the bank clutched leaves (rather than arrows) in his talons, the shape of Uncle Sam's face is different, as is the shape and texture of the hat, the texture of the clothing, the hairline, shape of the bow tie, the shirt collar, the left arm, and the flag carrying the name on the statue's base." The District Court in *L. Batlin and Son, Inc.* v. *Snyder*, 187 USPQ 91

(S.D.N.Y. 1975), found that the artistic skill required in making the reproduction did not "contribute" to the work and did not amount to more than a "merely trivial variation." This was reversed in *L. Batlin & Son, Inc.* v. *Snyder,* 187 USPQ 721 (2d Cir. 1975), with the majority concluding that the "... bank satisfies the criteria for copyrightability in order to qualify as a reproduction of a work of art...."

On a rehearing en banc, the Second Circuit Court of Appeals reversed its earlier decision and upheld the district court's grant of preliminary injunction restraining the enforcement of the copyright for the reproduction [*L. Batlin & Son, Inc.* v. *Jeffrey Snyder and Etna Products, Inc.,* 189 USPQ 753 (2d Cir. 1976)]. It affirmed the district court's finding that there was "little probability" that appellants' copyright in the reproduction would be found valid because the differences between the reproduction and the original public domain Uncle Sam bank were merely trivial: the reproduction was "a copy of an antique bank long in the public domain and therefore in all probability not copyrightable," citing *Alfred Bell and Co.* v. *Catalda Fine Arts, Inc.,* 191 F.2d 99 (2d Cir. 1951). Interestingly, the copyrighted reproduction bank, which had been registered as a sculpture in class G, was molded both in a different medium (plastic) and a substantially smaller size than the original cast-iron mechanical bank. Nonetheless, the court found the changes—the shape of the carpetbag, leaves instead of arrows, the attached umbrella, and the difference in surface texture—inadequate to render the work sufficiently original to warrant statutory copyright protection. Said the court: "If there be a point in the copyright law pertaining to reproductions at which sheer artistic skill and effort can act as a substitute for the requirement of substantial variation, it was not reached here." At the same time, the court acknowledged that an exact reproduction of "an intricate piece of sculpture" may involve so much creative skill that the resulting work is worthy of copyright protection.

Bliss & Laughlin Industries, Inc. v. *Starvaggi,* 188 USPQ 89 (S.D.N.Y. 1975), enunciates the principle that "each component portion of a composite work such as a catalog is a separate copyright protected against copyright infringement." In *Reyher* v. *Children's Television Workshop,* Civil No. 75-7278 (2d Cir. 1976), the Second Circuit Court of Appeals declared that copyrights "do not protect thematic concepts or scenes which necessarily must follow from certain similar plot situations."

And *Warner Bros., Inc.* v. *Film Ventures International,* 403 F. Supp. 522 (C.D. Cal. 1975), denied plaintiff's petition to enjoin exhibition of a motion picture on grounds that copyright infringement was unlikely to be proved at trial. The court found that since both *The Exorcist* and *Beyond the Door* used "commonly accepted physical ways of depicting a person possessed by the devil" and the characters in the two motion pictures were substantially different, an injunction was unwarranted.

The applicability of sections 101(e) and 104 to tape duplicators of musical compositions fixed in phonorecords before February 15, 1972, was considered in *Stereo Tape Associates, Inc.* v. *Levi,* No. G 75-167 (W.D. Mich., May 14, 1976), and *Stereo Tape Associates, Inc.* v. *Levi,* Civil No. 5-70687 (E.D. Mich., April 1976). Plaintiff, a tape duplicator, alleged that it had relied on a 1971 interpretation of the attorney general of the United States to the effect that duplicators of pre-February 15, 1972, material, who complied with the compulsory license provision of the statute, were not liable for copyright infringement under section 101(e). Subsequently, however, four circuits held that the compulsory license provision did not apply to unauthorized tape duplication; this led the attorney general to change his interpretation, and in 1975 he publicly announced that tape duplicators could no longer avail themselves of the compulsory license provision of the statute. The attorney general also announced the Justice Department's intent to prosecute prospectively all tape duplicators under section 101(e) and 104.

Stereo Tape Associates, Inc., therefore, filed these suits seeking, among other things, to enjoin the attorney general from prosecuting it. The same issues were presented in *Heilman* v. *Levi,* 391 F. Supp. 1106 (E.D. Wis. 1975), with identical results.

As in the *Heilman* case, in denying plaintiff's request for injunctive relief, the court in the Western District relied on the *Duchess* decision [*Duchess Music Corp.* v. *Stern,* 458 F.2d 1305 (9th Cir.), *cert. denied. sub nom., Rosner* v. *Duchess Music Corp.,* 409 U.S. 847 (1972)] and its progeny. The court in the Eastern District noted these cases in its memorandum; however, by stipulation the action was dismissed with prejudice. In both suits plaintiff also alleged that the meaning of "unauthorized" as used in section 101(e) is so uncertain that the copyright

statute is unconstitutionally vague, and it moved for a three-judge district court. *Heilman* was found to be dispositive of this issue. In *Heilman,* the court defined an "unauthorized" use as one which is neither "similar" nor explicitly authorized and consequently found the vagueness challenge to be insubstantial.

Mills Music, Inc. v. *State of Arizona,* 187 USPQ 22 (D. Ariz. 1975), raised the issue whether radio and television broadcasts of unauthorized arrangements of the well-known copyrighted musical composition "Happiness Is" to promote the Arizona State Fair were public performances "for profit" under section 1(e). Judge Craig found that the state fair was a commercial venture whose aim was to make money: there were parking and admission fees, and 90 percent of the space was leased to merchants whose purpose was to sell their goods. Each one of the 3,928 broadcasts was held to be a separate infringement.

The court noted that the term "nonprofit" as used in the law of corporations is substantially different from the phrase "not for profit" in the law of copyright and found that public performances of copyrighted musical compositions caused by "nonprofit" corporations may be regarded as performances for profit within section 1(e).

In addition, the court found that the various arrangements and adaptations made without the consent of the copyright owner violated the copyright owner's exclusive right to "arrange or adapt it if it be a musical work" [section 1(b)] and that the distribution of sheet-music copies to performers infringed the copyright owner's exclusive "right to copy" [section 1(a)]. The court also held that defendant infringed plaintiff's "right to make tape copies" under sections 1(e) and 101(e). The court concluded that since the enactment of the Sound Recording Amendment in 1971 recordings of musical compositions are copies of the musical works; section 101(e) is interpreted as creating an exclusive right in the copyright owner of the musical composition to manufacture, use, or sell recordings of the work.

Publication and Notice of Copyright

A preliminary injunction was denied in *H. W. Wilson Co.* v. *National Library Service Co.,* 402 F. Supp. 456 (S.D.N.Y. 1975), on grounds that *The Readers' Guide to Periodical Literature* is in the public domain, having been distributed since 1900 without a copyright notice. Although resale by a library was prohibited, plaintiff could not claim a "limited publication" where the use and availability of the *Readers' Guide* was otherwise unrestricted as to either persons or purpose. Common-law copyright in drawings disclosing the design of a computer was upheld on a finding of "limited publication" in *Data General Corp.* v. *Digital Computer Controls, Inc.,* 188 USPQ 276 (Del. Chancery Ct. 1975), where the drawings were included in maintenance documentation distributed to buyers. The drawings bore a legend stating that they were the property of Data General Corporation "and shall not be reproduced or copied or used . . . as the basis for manufacture or sale of the items without written permission." The buyer was furnished the maintenance documentation only after agreeing to abide by the proprietary legend. Submission of a written proposal to a university for the purpose of obtaining federal funding for one of its accredited academic programs was held to be more than a limited publication and not subject to common-law copyright in *Manasa* v. *University of Miami,* 320 So.2d 467 (Fla. Dist. Ct. App. 1975). The court said in the *Manasa* case that to qualify as a limited publication it "must be directed to a definitely selected group and for a limited purpose, and without the right of diffusion, reproduction, distribution or sale." Display by the copyright owner of the furniture in its branch bank for use by persons transacting business there was held a general publication that destroyed the common-law copyright in *Gustave* v. *Zuppiger,* 540 P.2d 1976 (Ariz. Ct. App. 1975).

Similarly, plaintiff's failure to secure copyright protection for a year and a half after publication forfeited his right to sue defendant for infringement in *Jacobs, d/b/a The New Hampshire Classified Guide* v. *Robitaille, d/b/a The Merrimack Valley Free Classified Weekly,* 406 F. Supp. 1145 (D. New Hamp. 1976), although defendant's publication was similar in "size of publication, type of paper, serif type face, internal format, bleedover border, price, date of publication, and two color front page format." The court did not rule on whether each of these similarities individually might constitute copyrightable subject matter.

Absence of the notice worked a forfeiture of the copyright in *Crumb* v. *A.A. Sales, Inc.,* 188 USPQ 445 & 447 (N.D. Cal. 1975), where between 3,500

and 6,500 cards depicting a cartoon character and the popular phrase "Keep on Truckin' " were distributed to the public without a copyright notice but with the knowledge and consent of the copyright owner. And distribution by an Army psychiatrist of copies of the famous poem "Desiderata" during World War II to troops in the Pacific with no notice and under written authorization of the copyright proprietor was held to forfeit the copyright in *Bell* v. *Combined Registry Company,* 188 USPQ 707 (N.D. Ill. 1975).

A notice is not defective, said the court in *American Greetings Corp.* v. *Kleinfab Corp.,* 400 F. Supp. 228 (S.D.N.Y. 1975), because two notices in different form appear on the same work, or because the notice is in the name of a corporate subsidiary of the proprietor, where the subsidiary "has the same officers, directors and shareholders as its parent." The court in the *American Greetings* case also refused to invalidate the copyright where the notice on a derivative work did not bear a year date referring to the underlying copyrighted work. A single notice on a record album containing both copyrighted and uncopyrighted bands was found adequate in *U.S.* v. *Taxe,* Civil No. 74-3094 (9th Cir., filed June 22, 1976), "since, for $2.00 anyone can obtain a copy of the copyright certificate and determine which songs are protected." The court found in *Goldman Morgen, Inc.* v. *Dan Brechner & Co.,* Civil No. 72-17 (S.D.N.Y., filed March 30, 1976), that a felt plug covering the opening through which money is deposited in a coin bank "was more than a mere tag attached to the bank," and a notice imprinted on the plug by rubber stamp is adequate.

Copyright Registration

A question whether the wording on the application form was adequate in spelling out the dates of fixation of sound recordings was raised in *U.S.* v. *Taxe,* Civil No. 74-3094 (9th Cir., filed June 22, 1976). The court responded by saying that, "Every application . . . requests the dates by direction to the applicant to designate 'new matter.' Such 'matter' includes sound recordings first fixed after February 15, 1972. This designation is adequate."

The *Taxe* case also held that the certificate is prima facie evidence of the date of fixation. *Bell* v. *Combined Registry Company,* 188 USPQ 707 (N.D. Ill. 1975), and *Deering Milliken, Inc.* v. *Quaker Fabric Corp.,* 187 USPQ 288 (S.D.N.Y. 1975), were two additional cases during the year that discussed the prima facie effect of the certificate. The *Deering* case adhered strictly to the statutory language and found that the "certificate constitutes prima facie evidence of the facts stated therein." The *Bell* case cited the statutory language but recognized that there is authority in the Seventh Circuit ". . . that the certificate constitutes prima facie evidence not only of the 'facts stated therein' but also of the overall validity of the copyright." However, *Bliss & Laughlin Industries, Inc.* v. *Starvaggi,* 188 USPQ 89 (S.D.N.Y. 1975), went still further in concluding that the certificate "suffices to establish both the validity of the copyright and plaintiff's ownership." In *Epoch Producing Corporation* v. *Killiam Shows, Inc.,* 187 USPQ 270 (2d Cir. 1975), *cert. denied,* Civil No. 75-988 (U.S., filed March 8, 1976), the court of appeals indicated that the prima facie effect afforded by the statute "was meant to attach only to original certificates," and not to certificates issued for the renewal term.

Vogue Ring Creations, Inc. v. *Hardman,* 410 F. Supp. 609 (D.R.I. 1976), contained some interesting dicta generated by plaintiff's failure to include a new matter statement on the application form. The court had found that the differences between the plaintiff's ring and a previously copyrighted version are "trivial and meaningless," but the court said the plaintiff's omission "was not an insubstantial omission" and that it deprived the Copyright Office of the "opportunity to evaluate whether or not the plaintiff had made any copyrightable changes." The court went so far as to say that "even if this copyright was otherwise valid I would have to hold it unenforceable because of unclean hands."

Renewals, Assignments, Ownership, and Transfer of Rights

Bartók v. *Boosey & Hawkes, Inc.,* 187 USPQ 529 (2d Cir. 1975), was a ruling of first impression by a divided Second Circuit Court of Appeals dealing with what is meant by a "posthumous" work under the copyright statute. The case was on appeal from a lower court decision that Béla Bartók's Concerto for Orchestra, having been published six months after Bartók's death, was a "posthumous" work within the meaning of the copyright statute, and therefore the renewal right belonged to Boosey & Hawkes as the proprietor. On appeal, however, the

majority held that controlling weight must be given to the legislative purpose to protect the author or his family by giving them the renewal right. It held the composition was not posthumous because Bartók had assigned his rights to the publishers during his lifetime. The court said, "The only definition of 'posthumous' which fulfills the legislative purpose of protecting authors and their families is that in the narrow situation—not present here—where a contract for copyright was never executed by the author during his life. . . ."

Epoch Producing Corporation v. *Killiam Shows, Inc.*, 187 USPQ 270 (2d Cir. 1975), *cert. denied*, Civil No. 75-988 (U.S., filed March 8, 1976), involved the renewal in the film classic *The Birth of a Nation*. Evidence at the trial clearly indicated that D. W. Griffith was the producer and director of the film. Although Epoch claimed in its renewal application that the work had been made for hire, the court was unconvinced, noting that Epoch was not formed until after the film had been made; also, "there is no contract of employment, record of salary payments, or proof that Epoch (or its predecessor in interest) supervised or controlled Griffith in the making of the picture." The "power to control or supervise Griffith's work" was lacking, "which is the hallmark of an 'employment for hire' relationship." Likewise, Epoch was unable to claim renewal on grounds that the film was first copyrighted by a "corporate body." The " 'corporate body' provision of section 24 indicates that it does not apply to works of this type which are authored and produced by one identifiable person." *Hughey* v. *Palographics Co.*, 189 USPQ 527 (D. Colo. 1976), granted plaintiff's motion for summary judgment based on copyright infringement of an unpublished historical map on grounds that the presumption of employment for hire in 17 U.S.C. §26 is rebutted where the employer repudiated the employment contract, and plaintiff-employee never received the contract's stipulated fee. On these facts, plaintiff was found to be an independent contractor and the copyright owner of her work.

The court held in *Hill & Range Songs, Inc.* v. *Fred Rose Music, Inc.*, 189 USPQ 233 (M.D. Tenn. 1975), that the common-law spouse of Hank Williams, at the time of his death, was his "widow" within the meaning of that term in the renewal provision of the statute, and she did not lose that right when she remarried. The court was careful, however, to express "no opinion as to whether a putative wife would qualify in a situation where the deceased had a legal spouse, as well as a putative spouse, at the time of his death." The court also said: "While it may be possible for the possessor of a contingent expectancy in copyright renewals to assign this interest by the use of general language, it must be shown that this is what the parties to the assignment intended," and where the possessor did not even know the right existed, they could not have been conveyed by the terms of a general assignment.

In *Kingsrow Enterprises, Inc.* v. *Metromedia, Inc.*, 189 USPQ 90 (S.D.N.Y. 1975), the court said that the mere purchase of copyright certificates at a sheriff's sale did not give the purchaser ownership of the copyrights. The copyright is transferred by an assignment from the owner, and this is done "by an instrument in writing signed by the proprietor of the copyright. . . ." *Brawley, Inc.* v. *Gaffney*, 188 USPQ 648 (N.D. Cal. 1974), held that an agreement whereby the copyright owner reserved "all causes of action for copyright infringement which may have already accrued up to the date of this assignment" did not prevent the agreement from constituting an assignment and not a license. Likewise, the transferor's reservation of the right to use the copyrighted material did not defeat the assignment.

In *Viacom International, Inc.* v. *Tandem Productions, Inc.*, 526 F.2d 593 (2d Cir. 1975), the Second Circuit found for the assignee television network of domestic television syndication and foreign distribution rights for the "All in the Family" copyrighted television series against the producer, denying the latter's right to interpose the illegality of the parties' contract as a defense. The court held the contract was not invalidated by subsequent FCC rules prohibiting television networks from having financial or proprietary interests in programs produced by others.

In *American International Pictures, Inc.* v. *Foreman*, 400 F. Supp. 928 (S.D. Ala. 1975), the District Court refused to uphold plaintiffs' claim for infringement of copyrighted motion pictures against defendant distributor for his allegedly unauthorized sale of prints. The court found that where plaintiffs failed to show by a preponderance of evidence that the prints had not been the subject of "first sales" by them, future sales were not restricted.

A memorandum opinion by a U.S. District Court in *Bell, d/b/a Crescendo Publishing Company* v. *Combined Registry Company*, 397 F. Supp. 1241

(N.D. Ill. 1975), held, inter alia, that an original copyright owner's failure to follow the Indiana statute requiring registration of a fictitious name did not invalidate a copyright obtained in the fictitious name, reasoning that the operation of a state law cannot defeat the validity of a federal copyright; and federal courts have exclusive jurisdiction to determine questions of title to copyright. On the issue of abandonment, the case held that distribution of a work without a statutory notice, even if so limited as not to constitute a forfeiture of statutory copyright, may cause an abandonment if coupled with an intent to abandon. The requisite intent here was composed of the owner's mailing Christmas cards that contained the poem without notice of copyright, authorizing the work's distribution to one doctor's patients, and noting in his diary that he "should like, if I could, to leave a humble gift. . . ."

First Amendment rights were at issue in *Rosemont Enterprises, Inc.* v. *McGraw-Hill Book Co.*, 380 N.Y.S. 2d 839 (Sup. Ct. 1975). Rosemont claimed that the famous Howard R. Hughes had granted it rights that extended to almost any work which concerned him; Rosemont therefore sought a preliminary injunction to restrain publication of the fictionalized autobiography of Hughes by Clifford Irving. In denying the injunction, the court applied the well-settled principle of law that a "prior restraint is illegal censorship" which indirectly encroaches upon the rights and guarantees embodied in the First Amendment. The court also observed that if ever there was a public figure, Hughes was one, and that Hughes could not have a monopoly, nor could he give a monopoly to any entity, with respect to works concerning his life. The court noted that others need no consent or permission to write a biography of a celebrity; the same is true about a fictionalized piece as long as it is made clear that it is fictionalized.

In *Nixon* v. *Administrator of General Services*, 408 F. Supp. 321 (D. D.C. 1976), the former President attacked the constitutionality of the Presidential Recordings and Materials Preservation Act. The legislation directed the administrator of general services to take custody of Mr. Nixon's presidential papers and tape recordings and to promulgate regulations that would provide for the orderly processing of the materials. Records private in nature were to be returned to Mr. Nixon, while those relating to legitimate governmental interests were to be retained. Conditions relating to public access to the retained materials were to be further stipulated in the regulations. A three-judge district court rejected all the constitutional objections raised by the former President. The act was found not to violate the separation of powers concept since the framers of the Constitution intended an interrelationship between the branches of government. Arguments based on privacy and freedom of speech were rejected as problematical since the review of Mr. Nixon's papers was to be confidential and those papers private in nature were not intended to be disclosed. The equal protection argument was dismissed on a finding that any difference in the treatment between the plaintiff and other Presidents was adequately justified.

Jurisdiction and Remedies

The U.S. government, as parens patriae, has standing to sue a tape pirate in a domestic case and to seek the destruction of infringing copies and devices under Sec. 101(d) Title 17, including tape duplicating equipment, master tapes of sound recordings protected by U.S. copyright law, and miscellaneous equipment. *United States* v. *Henry Newton Brown, Jr.*, 400 F. Supp. 656 (S.D. Miss. 1975), reasoned that such standing was established by the fact that only under subsections 101(b) and 101(e) (damages, profits, royalties) of Title 17 is relief limited to persons having proprietary rights, and by section 116's reference to cases brought by the United States. Standing is confirmed by the obligation under the Universal Copyright Convention to adopt the necessary measures to effect the convention by protecting copyrights.

A distributor's failure to use the word "copyright" in his pleading in an action seeking damages and an injunction for a competitor's alleged unauthorized distribution of two films did not give a superior court jurisdiction over the case in *Janus Films, Inc.* v. *Budget Films, Inc.*, 127 Cal. Reptr. 204 (Cal. Ct. App., Jan. 28, 1976). Rather, the state court lacked jurisdiction to decide the issue, since the interpretation of exclusive distribution rights and license agreements depended upon federal copyright law.

At issue in *Columbia Broadcasting System, Inc.* v. *American Society of Composers and Publishers*, 400 F. Supp. 737 (S.D.N.Y. 1975), was the legality of the licensing practices of ASCAP and BMI. The essence of CBS's claim was that ASCAP and BMI

constituted illegal combinations whose purpose and effect was to exact royalties from CBS for music it did not wish to license because CBS was "compelled" to obtain a "blanket license" in exchange for a flat fee based on a percentage of CBS advertising revenues. The court cited the various consent decrees that required ASCAP and BMI to offer "per program licenses" under which a fee is charged only with respect to programs in which a composition within the repertory of the society has been used and to structure fees for blanket and per program licenses so that the user had a genuine choice between them. The court also noted that ASCAP and BMI had only nonexclusive licensing authority and that CBS was, therefore, free to obtain licenses directly from the copyright owners. In denying the injunctive relief sought, the court held that CBS failed to meet its burden of proof with respect to each of its allegations. Judge Lasker stated that he was left with the strong impression that CBS was seeking a legal solution to what was essentially a business problem.

The availability of a jury trial was considered in *Cayman Music, Ltd.* v. *Reichenberger*, 403 F. Supp. 794 (W.D. Wis. 1975), an action in which injunctive relief and statutory damages were sought. The court concluded there was no right to a jury trial because upon a finding that the injunction should issue, statutory damages must be awarded, leaving nothing for a jury to decide.

The "in lieu of damages" provisions of section 101(b) were construed by the Second Circuit in *The Robert Stigwood Group, Ltd.* v. *O'Reilly*, 530 F.2d 1096 (2d Cir. 1976), a case involving certain unauthorized performances of the hit rock operas *Jesus Christ Superstar* and *Tommy*. In reversing the district court's award of $100 per infringement, Judge Gurfein opined that a court may not make an award based on such damages as a court may feel are just and fair "without adhering to the statutory minimum for each infringement"; the court held that the statutory minimum of $250 must be awarded for each infringement that was separate.

The District Court for the Southern District of New York held in *De Nicola, Inc.* v. *Genesco, Pakula & Co.*, 188 USPQ 304 (S.D.N.Y. 1975), that the maximum "in lieu" damages will be assessed for each infringement where defendants deliberately copied plaintiff's copyrighted designs and prior history shows defendants to be habitual infringers.

The *Stigwood Group* case also considered what constitutes a single infringement, for there were many performances on different occasions by the same persons and each rock opera was covered by more than one copyright certificate. The court concluded that each performance constituted a separate infringement since the performances "were not a single run at a particular theater" but a "series of disconnected one-night or two-night stands in different cities," and each performance "was given pursuant to a separately negotiated agreement made with a specific auditorium." With regard to how many copyrights were infringed by each performance, the court found that each separate copyright (registration) in class E constituted a separate infringement; however, it found that the three *Superstar* class D registrations (one for the libretto, one based on additional words, and one for the vocal score consisting of an overture and twenty-two songs) were "duplicative so far as performance rights are concerned." Noting that "duplicative copyrights in the same category of entire works are like superfluous protective layers," the court held that there is "only one infringement of the libretto, score and dramatic continuity."

When a plaintiff voluntarily drops a pending action, the defendant will not be considered a "prevailing party" for purposes of receiving costs and attorneys' fees under section 116 of Title 17 according to the decision in *Twining* v. *Berkofsky*, Civil No. HM75-869 (D. Md., January 14, 1976).

A motion was granted for contempt of preliminary injunction in *Andre Matenciot, Inc.* v. *David & Dash, Inc.*, 189 USPQ 360 (S.D.N.Y. 1976), an action based on allegedly infringing wallpaper-fabric designs. The order commanded defendant to deliver for impoundment, while the action was pending, all copies of the designs and catalog pages displaying them. Although defendant phoned, telegrammed, and wrote its distributors, the court held their failure to contact the distributors' customers to retrieve material covered by the order constituted contempt.

Summary judgment is not available, the court held in *Zolar Publishing Co.* v. *Doubleday & Co.*, 188 USPQ 609 (2d Cir. 1975), where a contract purporting to be a copyright licensing agreement may be interpreted in several ways and proper construction must be proved by extrinsic evidence. Neither is summary judgment appropriate where the case involves a question of whether plaintiff's inaction stops him from denying termination of the contract.

POSTSCRIPT

As this report goes to press, the long-awaited general revision of the 1909 copyright statute has become a reality. On October 19, 1976, the President of the United States signed the bill, which became Public Law 94-553 ((9) Stat. 2541). The final enactment by the 94th Congress and the subsequent signing of the bill by the President mark the conclusion of years of devoted effort on the part of many present and former staff members of the Copyright Office and other departments of the Library of Congress. Both the Copyright Office staff and the register have given the highest priority to this legislation and are indebted to the efforts of earlier registers of copyrights, particularly Abraham Kaminstein and the late Arthur Fisher. It is with a deep sense of accomplishment, therefore, that this beginning of a new era in United States copyright protection is finally reached.

The law, which becomes effective on January 1, 1978, will go a considerable distance toward remedying injustices and anachronisms of the 1909 act and providing more protection of the rights of authors, composers, and artists, both here and abroad. The net result is an enhancement of the environment for creativity and its just economic reward. While the tasks involved in planning and preparing for implementation will be arduous, support will be derived from the knowledge that sixteen years of effort have produced a law that is far more responsive to today's needs.

Respectfully submitted,

BARBARA RINGER
Register of Copyrights

International Copyright Relations of the United States as of June 30, 1976

This table sets forth U.S. copyright relations of current interest with the other independent nations of the world. Each entry gives country name and alternate name and a statement of copyright relations. The following code is used:

Bilateral	Bilateral copyright relations with the United States by virtue of a proclamation or treaty, as of the date given. Where there is more than one proclamation or treaty, only the date of the first one is given.
BAC	Party to the Buenos Aires Convention of 1910, as of the date given. U.S. ratification deposited with the government of Argentina, May 1, 1911; proclaimed by the President of the United States, July 13, 1914.
UCC Geneva	Party to the Universal Copyright Convention, Geneva, 1952, as of the date given. The effective date for the United States was September 16, 1955.
UCC Paris	Party to the Universal Copyright Convention as revised at Paris, 1971, as of the date given. The effective date for the United States was July 10, 1974.
Phonogram	Party to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, Geneva, 1971, as of the date given. The effective date for the United States was March 10, 1974.
	Foreign sound recordings fixed and published on or after February 15, 1972, with the special notice of copyright prescribed by law (e.g., ℗ 1976 Doe Records, Inc.), may be entitled to U.S. copyright protection only if the author is a citizen of one of the countries with which the United States maintains bilateral or phonogram convention relations as indicated below.
Unclear	Became independent since 1943. Has not established copyright relations with the United States but may be honoring obligations incurred under former political status.
None	No copyright relations with the United States.

Afghanistan
None

Albania
None

Algeria
UCC Geneva Aug. 28, 1973
UCC Paris July 10, 1974

Andorra
UCC Geneva Sept. 16, 1955

Argentina
Bilateral Aug. 23, 1934
BAC April 19, 1950
UCC Geneva Feb. 13, 1958
Phonogram June 30, 1973

Australia
Bilateral Mar. 15, 1918
UCC Geneva May 1, 1969
Phonogram June 22, 1974

Austria
Bilateral Sept. 20, 1907
UCC Geneva July 2, 1957

Bahamas, The
Unclear

Bahrain
None

Bangladesh
UCC Geneva Aug. 5, 1975
UCC Paris Aug. 5, 1975

Barbados
Unclear

Belgium
Bilateral July 1, 1891
UCC Geneva Aug. 31, 1960

Benin
(formerly Dahomey)
Unclear

Bhutan
None

Bolivia
BAC May 15, 1914

Botswana
Unclear

Brazil
Bilateral Apr. 2, 1957
BAC Aug. 31, 1915
UCC Geneva Jan. 13, 1960
UCC Paris Dec. 11, 1975
Phonogram Nov. 28, 1975

Bulgaria
UCC Geneva June 7, 1975
UCC Paris June 7, 1975

Burma
Unclear

Burundi
Unclear

Cambodia
(Khmer Republic)
UCC Geneva Sept. 16, 1955

Cameroon
UCC Geneva May 1, 1973
UCC Paris July 10, 1974

Canada
Bilateral Jan. 1, 1924
UCC Geneva Aug. 10, 1962

Cape Verde
Unclear

Central African Republic
Unclear

Chad
Unclear

Chile
Bilateral May 25, 1896
BAC June 14, 1955
UCC Geneva Sept. 16, 1955

China
Bilateral Jan. 13, 1904

Colombia
BAC Dec. 23, 1936

Comoros
Unclear

Congo
Unclear

Costa Rica [1]
Bilateral Oct. 19, 1899
BAC Nov. 30, 1916
UCC Geneva Sept. 16, 1955

Cuba
Bilateral Nov. 17, 1903
UCC Geneva June 18, 1957

Cyprus
Unclear

Czechoslovakia
Bilateral Mar. 1, 1927
UCC Geneva Jan. 6, 1960

Denmark
Bilateral May 8, 1893
UCC Geneva Feb. 9, 1962

Dominican Republic [1]
BAC Oct. 31, 1912

Ecuador
BAC Aug. 31, 1914
UCC Geneva June 5, 1957
Phonogram Sept. 14, 1974

Egypt
None

El Salvador
Bilateral June 30, 1908, by virtue of Mexico City Convention, 1902

Equatorial Guinea
Unclear

Ethiopia
None

Fiji
UCC Geneva Oct. 10, 1970
Phonogram Apr. 18, 1973

Finland
Bilateral Jan. 1, 1929
UCC Geneva Apr. 16, 1963
Phonogram Apr. 18, 1973

France
Bilateral July 1, 1891
UCC Geneva Jan. 14, 1956
UCC Paris July 10, 1974
Phonogram Apr. 18, 1973

Gabon
Unclear

Gambia, The
Unclear

Germany
Bilateral Apr. 15, 1892
UCC Geneva with Federal Republic of Germany Sept. 16, 1955
UCC Paris with Federal Republic of Germany July 10, 1974
Phonogram with Federal Republic of Germany May 18, 1974
UCC Geneva with German Democratic Republic Oct. 5, 1973

Ghana
UCC Geneva Aug. 22, 1962

Greece
Bilateral Mar. 1, 1932
UCC Geneva Aug. 24, 1963

Grenada
Unclear

Guatemala [1]
BAC Mar. 28, 1913
UCC Geneva Oct. 28, 1964

Guinea
Unclear

Guinea-Bissau
Unclear

Guyana
Unclear

Haiti
BAC Nov. 27, 1919
UCC Geneva Sept. 16, 1955

Honduras [1]
BAC Apr. 27, 1914

Hungary
Bilateral Oct. 16, 1912
UCC Geneva Jan. 23, 1971
UCC Paris July 10, 1974
Phonogram May 28, 1975

Iceland
UCC Geneva Dec. 18, 1956

India
Bilateral Aug. 15, 1947
UCC Geneva Jan. 21, 1958
Phonogram Feb. 12, 1975

Indonesia
Unclear

Iran
None

Iraq
None

Ireland
Bilateral Oct. 1, 1929
UCC Geneva Jan. 20, 1959

Israel
Bilateral May 15, 1948
UCC Geneva Sept. 16, 1955

Italy
Bilateral Oct. 31, 1892
UCC Geneva Jan. 24, 1957

Ivory Coast
Unclear

Jamaica
Unclear

Japan [2]
UCC Geneva Apr. 28, 1956

Jordan
Unclear

Kenya
UCC Geneva Sept. 7, 1966
UCC Paris July 10, 1974
Phonogram April 21, 1976

Korea
Unclear

Kuwait
Unclear

Laos
UCC Geneva Sept. 16, 1955

Lebanon
UCC Geneva Oct. 17, 1959

Lesotho
Unclear

Liberia
UCC Geneva July 27, 1956

Libya
Unclear

Liechtenstein
UCC Geneva Jan. 22, 1959

Luxembourg
Bilateral June 29, 1910
UCC Geneva Oct. 15, 1955
Phonogram Mar. 5, 1976

Madagascar
(Malagasy Republic)
Unclear

Malawi
UCC Geneva Oct. 26, 1965

Malaysia
Unclear

Maldives
Unclear

Mali
Unclear

Malta
UCC Geneva Nov. 19, 1968

Mauritania
Unclear

Mauritius
UCC Geneva Mar. 12, 1968

Mexico
Bilateral Feb. 27, 1896
BAC Apr. 24, 1964
UCC Geneva May 12, 1957
Phonogram Dec. 21, 1973

Monaco
Bilateral Oct. 15, 1952
UCC Geneva Sept. 16, 1955
UCC Paris Dec. 13, 1974
Phonogram Dec. 2, 1974

Mongolia
None

Morocco
UCC Geneva May 8, 1972
UCC Paris Jan. 28, 1976

Mozambique
Unclear

Nauru
Unclear

Nepal
None

Netherlands
Bilateral Nov. 20, 1899
UCC Geneva June 22, 1967

New Zealand
Bilateral Dec. 1, 1916
UCC Geneva Sept. 11, 1964

Nicaragua [1]
BAC Dec. 15, 1913
UCC Geneva Aug. 16, 1961

Niger
Unclear

Nigeria
UCC Geneva Feb. 14, 1962

Norway
Bilateral July 1, 1905
UCC Geneva Jan. 23, 1963
UCC Paris Aug. 7, 1974

Oman
None

Pakistan
UCC Geneva Sept. 16, 1955

Panama
BAC Nov. 25, 1913
UCC Geneva Oct. 17, 1962
Phonogram June 29, 1974

Papua New Guinea
Unclear

Paraguay
BAC Sept. 20, 1917
UCC Geneva Mar. 11, 1962

Peru
BAC April 30, 1920
UCC Geneva Oct. 16, 1963

Philippines
Bilateral Oct. 21, 1948
UCC status undetermined by Unesco. (Copyright Office considers that UCC relations do not exist.)

Poland
Bilateral Feb. 16, 1927

Portugal
Bilateral July 20, 1893
UCC Geneva Dec. 25, 1956

Qatar
None

Romania
Bilateral May 14, 1928

Rwanda
Unclear

San Marino
None

Saudi Arabia
None

Senegal
UCC Geneva July 9, 1974
UCC Paris July 10, 1974

Seychelles
Unclear

Sierra Leone
None

Singapore
Unclear

Somalia
Unclear

South Africa
Bilateral July 1, 1924

Soviet Union
UCC Geneva May 27, 1973

Spain
Bilateral July 10, 1895
UCC Geneva Sept 16, 1955
UCC Paris July 10, 1974
Phonogram Aug. 24, 1974

Sri Lanka
Unclear

Sudan
Unclear

Surinam
Unclear

Swaziland
Unclear

Sweden
Bilateral June 1, 1911
UCC Geneva July 1, 1961
UCC Paris July 10, 1974
Phonogram Apr. 18, 1973

Switzerland
Bilateral July 1, 1891
UCC Geneva Mar 30, 1956

Syria
Unclear

Tanzania
Unclear

Thailand
Bilateral Sept. 1, 1921

Togo
Unclear

Tonga
None

Trinidad and Tobago
Unclear

Tunisia
UCC Geneva June 19, 1969
UCC Paris June 10, 1975

Turkey
None

Uganda
Unclear

United Arab Emirates
None

United Kingdom
Bilateral July 1, 1891
UCC Geneva Sept. 27, 1957
UCC Paris July 10, 1974
Phonogram Apr. 18, 1973

Upper Volta
Unclear

Uruguay
BAC Dec. 17, 1919

Vatican City
(Holy See)
UCC Geneva Oct. 5, 1955

Venezuela
UCC Geneva Sept. 30, 1966

Vietnam
Unclear

Western Samoa
Unclear

Yemen (Aden)
Unclear

Yemen (San'a)
None

Yugoslavia
UCC Geneva May 11, 1966
UCC Paris July 10, 1974

Zaire
Unclear

Zambia
UCC Geneva June 1, 1965

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[1] Effective June 30, 1908, this country became a party to the 1902 Mexico City Convention, to which the United States also became a party effective the same date. As regards copyright relations with the United States, this convention is considered to have been superseded by adherence of this country and the United States to the Buenos Aires Convention of 1910.

[2] Bilateral copyright relations between Japan and the United States, which were formulated effective May 10, 1906, are considered to have been abrogated and superseded by the adherence of Japan to the Universal Copyright Convention, Geneva, 1952, effective April 28, 1956.

Number of Registrations by Subject Matter Class, Fiscal Years 1972-76

Class	Subject matter of copyright	1972	1973	1974	1975	1976
A	Books, including pamphlets, leaflets, etc.	103,231	104,523	104,806	111,887	113,197
B	Periodicals (issues)	84,686	88,553	92,224	95,062	96,001
	(BB) Contributions to newspapers and periodicals	2,004	2,074	2,172	2,554	3,090
C	Lectures, sermons, addresses	1,940	1,714	1,631	1,882	1,844
D	Dramatic or dramatico-musical compositions	3,838	3,980	4,016	4,914	4,929
E	Musical compositions	97,482	95,296	104,511	114,790	118,499
F	Maps	1,633	1,914	1,549	1,847	1,595
G	Works of art, models, or designs	7,901	8,621	8,525	11,010	12,197
H	Reproductions of works of art	3,434	3,190	3,612	5,042	5,604
I	Drawings or plastic works of a scientific or technical character	1,059	1,114	809	856	949
J	Photographs	1,140	1,354	1,409	1,507	1,667
K	Prints and pictorial illustrations	4,524	4,441	4,716	5,082	5,918
	(KK) Commercial prints and labels	4,118	4,216	4,964	4,663	4,485
L	Motion-picture photoplays	1,816	1,449	1,321	1,011	1,904
M	Motion pictures not photoplays	1,388	1,420	1,741	2,027	2,345
N	Sound recordings	1,141	6,718	9,362	8,938	9,048
R	Renewals of all classes	23,239	23,071	25,464	28,202	27,697
	Total	344,574	353,648	372,832	401,274	410,969

Number of Articles Deposited, Fiscal Years 1972-76

Class	Subject matter of copyright	1972	1973	1974	1975	1976
A	Books, including pamphlets, leaflets, etc.	203,875	206,671	206,905	220,523	223,384
B	Periodicals	168,463	176,142	183,474	189,085	191,294
	(BB) Contributions to newspapers and periodicals	2,004	2,074	2,172	2,554	3,090
C	Lectures, sermons, addresses	1,940	1,714	1,631	1,882	1,844
D	Dramatic or dramatico-musical compositions	4,216	4,538	4,567	5,450	5,337
E	Musical compositions	117,425	114,378	124,481	134,786	135,920
F	Maps	3,264	3,786	3,098	3,680	3,189
G	Works of art, models, or designs	13,590	14,843	14,611	18,895	20,644
H	Reproductions of works of art	6,821	6,313	7,126	9,966	11,183
I	Drawings or plastic works of a scientific or technical character	1,614	1,873	1,226	1,327	1,491
J	Photographs	2,063	2,471	2,481	2,612	2,731
K	Prints and pictorial illustrations	9,036	8,873	9,427	10,100	11,839
	(KK) Commercial prints and labels	8,235	8,408	9,920	9,321	8,920
L	Motion-picture photoplays	3,593	2,855	2,562	1,919	3,594
M	Motion pictures not photoplays	2,648	2,654	3,115	3,665	4,189
N	Sound recordings	2,282	13,388	18,431	17,586	16,880
	Total	551,069	570,981	595,227	633,351	645,529

Number of Articles Transferred to Other Departments of the Library of Congress [1]

Class	Subject matter of articles transferred	1972	1973	1974	1975	1976
A	Books, including pamphlets, leaflets, etc.	115,242	120,452	122,157	135,092	[2] 142,392
B	Periodicals	176,161	183,755	190,359	196,619	198,047
	(BB) Contributions to newspapers and periodicals	2,004	2,074	2,196	2,562	3,090
C	Lectures, sermons, addresses	0	7	0	0	0
D	Dramatic or dramatico-musical compositions	226	179	184	195	146
E	Musical compositions	21,275	22,517	20,558	22,816	20,685
F	Maps	3,264	3,796	3,100	3,680	3,189
G	Works of art, models, or designs	1,252	2,957	1,928	4,112	5,211
H	Reproductions of works of art	1,620	2,933	2,579	2,871	2,080
I	Drawings or plastic works of a scientific or technical character	0	10	0	0	0
J	Photographs	65	66	188	565	423
K	Prints and pictorial illustrations	499	52	65	12	20
	(KK) Commercial prints and labels	220	38	13	0	16
L	Motion-picture photoplays	64	67	322	103	138
M	Motion pictures not photoplays	183	331	206	683	1,274
N	Sound recordings	2,282	13,405	18,321	8,33	7,990
	Total	324,357	352,639	362,176	377,648	384,701

[1] Extra copies received with deposits and gift copies are included in these figures. For some categories, the number of articles transferred may therefore exceed the number of articles deposited as shown in the preceding chart.

[2] Of this total, 34,200 copies were transferred to the Exchange and Gift Division for use in its programs.

Gross Cash Receipts, Fees, and Registrations, Fiscal Years 1972-76

	Gross receipts	Fees earned	Registrations	Increase or decrease in registrations
1972	$ 2,313,638.14	$ 2,177,064.86	344,574	+14,878
1973	2,413,179.43	2,226,540.96	353,648	+9,074
1974	2,411,334.59	2,312,375.71	372,832	+19,184
1975	2,614,059.72	2,447,295.14	401,274	+28,442
1976	2,779,841.45	2,524,518.77	410,969	+9,695
Total	12,532,053.33	11,687,795.44	1,883,297	

Summary of Copyright Business

Balance on hand July 1, 1975			$ 663,199.07
Gross receipts July 1, 1975, to June 30, 1976			2,779,841.45
Total to be accounted for			3,443,040.52
Refunded		$ 132,343.61	
Checks returned unpaid		5,829.15	
Deposited as earned fees		2,551,341.91	
Deposited as undeliverable checks		2,342.67	
Balance carried over July 1, 1976			
Fees earned in June 1976 but not deposited until July 1976	$195,588.50		
Unfinished business balance	198,004.59		
Deposit accounts balance	355,926.12		
Card service	1,663.97		
		751,183.18	
			3,443,040.52

	Registrations	Fees earned
Published domestic works	258,939	$1,553,622.00
Published foreign works	5,648	33,888.00
Unpublished works	108,683	652,098.00
Renewals	27,697	110,788.00
Total registrations for fee	400,967	2,350,396.00
Registrations made under provisions of law permitting registration without payment of fee for certain works of foreign origin	9,991	
Registrations made under Standard Reference Data Act, P.L. 90-396 (15 U.S.C. §290), for certain publications of U.S. government agencies for which fee has been waived	11	
Total registrations	410,969	
Fees for recording assignments		47,128.50
Fees for indexing transfers of proprietorship		23,779.00
Fees for recording notices of use		1,163.00
Fees for recording notices of intention to use		21,569.00
Fees for certified documents		12,823.00
Fees for searches made		61,015.00
Card service		6,645.27
Total fees exclusive of registrations		174,122.77
Total fees earned		2,524,518.77

Number of Registrations by Subject Matter Class, July 1-September 30, 1976

Class	Subject matter of copyright	
A	Books, including pamphlets, leaflets, etc.	28,520
B	Periodicals (issues)	23,899
	(BB) Contributions to newspapers and periodicals	865
C	Lectures, sermons, addresses	437
D	Dramatic or dramatico-musical compositions	1,318
E	Musical compositions	33,831
F	Maps	455
G	Works of art, models, or designs	3,966
H	Reproductions of works of art	1,747
I	Drawings or plastic works of a scientific or technical character	299
J	Photographs	583
K	Prints and pictorial illustrations	1,577
	(KK) Commercial prints and labels	1,411
L	Motion-picture photoplays	250
M	Motion pictures not photoplays	526
N	Sound recordings	2,710
R	Renewals of all classes	6,368
	Total	108,762

Number of Articles Deposited, July 1-September 30, 1976

Class	Subject matter of copyright	
A	Books, including pamphlets, leaflets, etc.	56,063
B	Periodicals	47,569
	(BB) Contributions to newspapers and periodicals	865
C	Lectures, sermons, addresses	437
D	Dramatic or dramatico-musical compositions	1,494
E	Musical compositions	39,487
F	Maps	910
G	Works of art, models, or designs	6,624
H	Reproductions of works of art	3,463
I	Drawings or plastic works of a scientific or technical character	450
J	Photographs	1,061
K	Prints and pictorial illustrations	3,154
	(KK) Commercial prints and labels	2,801
L	Motion-picture photoplays	489
M	Motion pictures not photoplays	936
N	Sound recordings	5,267
	Total	171,070

Number of Articles Transferred to Other Departments of the Library of Congress [1]

Class	Subject matter of articles transferred	
A	Books, including pamphlets, leaflets, etc.	[2] 33,642
B	Periodicals	49,408
	(BB) Contributions to newspapers and periodicals	865
C	Lectures, sermons, addresses	0
D	Dramatic or dramatico-musical compositions	0
E	Musical compositions	6,732
F	Maps	910
G	Works of art, models, or designs	1,546
H	Reproductions of works of art	480
I	Drawings or plastic works of a scientific or technical character	0
J	Photographs	0
K	Prints and pictorial illustrations	0
	(KK) Commercial prints and labels	0
L	Motion-picture photoplays	34
M	Motion pictures not photoplays	276
N	Sound recordings	2,599
	Total	96,492

[1] Extra copies received with deposits and gift copies are included in these figures. For some categories, the number of articles transferred may therefore exceed the number of articles deposited as shown in the preceding chart.

[2] Of this total, 9,000 copies were transferred to the Exchange and Gift Division for use in its programs.

Gross Cash Receipts, Fees, and Registrations, July 1-September 30, 1976

	Gross receipts	Fees earned	Registrations
Total	$729,489.11	$672,329.96	108,762

Summary of Copyright Business

Balance on hand July 1, 1976			$ 751,183.18
Gross receipts July 1, 1976, to September 30, 1976			729,489.11
Total to be accounted for			1,480,672.29
Refunded		$ 53,684.96	
Checks returned unpaid		2,163.10	
Deposited as earned fees		653,837.96	
Balance carried over October 1, 1976			
Fees earned in September 1976 but not deposited until October 1976	$219.296.50		
Unfinished business balance	180,968.46		
Deposit accounts balance	369,844.07		
Card service	877.24		
			1,480,672.29

	Registrations	Fees earned
Published domestic works	66,796	$400,776.00
Published foreign works	1,679	10,074.00
Unpublished works	31,165	186,990.00
Renewals	6,368	25,472.00
Total registrations for fee	106,008	623,312.00
Registrations made under provisions of law permitting registration without payment of fee for certain works of foreign origin	2,754	
Total registrations	108,762	
Fees for recording assignments		11,150.50
Fees for indexing transfers of proprietorship		3,767.00
Fees for recording notices of use		6,309.00
Fees for recording notices of intention to use		103.50
Fees for certified documents		2,506.00
Fees for searches made		18,375.00
Card service		6,806.96
Total fees exclusive of registrations		49,017.96
Total fees earned		672,329.96

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